

**ALLAGASH WILDERNESS WATERWAY
WORKING GROUP
on STRUCTURE, MANAGEMENT and OVERSIGHT**

APPENDIX E



January 9, 2007

Don Nicoll, Chairman
Allagash Wilderness Waterway Working Group
65 Delaware Court
Portland, ME 04103-6100

RE: AWW final report: revised draft, 1/03/2007

Dear Don,

Thank you for sending the draft final report of the AWW Working Group. Members of our group have invested an enormous amount of time and energy in assessing what changes, if any, should be made in the long-term governance, management, and oversight structure for the Allagash Wilderness Waterway (AWW) pursuant to Governor Baldacci's June 19, 2006 executive order.

I have reviewed the final draft report and given careful consideration to the charge we were given, issues we studied, and recommendations made in this report. I want to offer my endorsement for a number of the recommendations, explain my reservations about and opposition to others, and then suggest an avenue by which we might reach consensus on a report to be delivered to the Governor on January 19th.

First, I support most of the recommendations in our report. Specifically, I agree with:

1. The Working Group's recommendation that the AWW be restored to its pre-1995 status as its own, separate "region" within the BPL, sharing its central services.
2. The Working Group's recommendation that a new position, superintendent of the AWW, be created through legislation and a general fund appropriation. This superintendent will report directly to the director of the Bureau of Public Lands, supervise the manager and other staff of the Waterway, and have a relatively "high profile" as s/he advances the mission and goals of the Waterway in a variety of venues.
3. The Working Group's recommendation that a seven-member AWW advisory council be created in statute, and that six of the seven council members possess specific expertise and/or experience that will add

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value to management and oversight of the Waterway, and also strengthen the public's connection to this unique resource. (Please see my comment below about one important language change in the description of the membership.)

4. The Working Group's recommendation that the AWW superintendent be authorized to appoint technical committees to assist him/her with a variety of tasks.
5. The Working Group's recommendation that a permanent endowment fund be established, by statute, to receive funds from federal and private sources. (The Working Group also considered the possibility that state funds might be authorized and appropriated for an endowment fund, perhaps with a specific purpose of being used to acquire land adjacent to the current Waterway. While it is not clear that such appropriations will be made, I suggest that language in the new statute allow for that possibility.)
6. The Working Group's recommendation that the DOC commissioner report annually to the Legislature's committee of oversight (presumably the Agriculture, Conservation and Forestry Committee) on the overall health and finances of the Allagash Wilderness Waterway.
7. The Working Group's recommendation that strategic planning should become a formal part of the management strategy for the Waterway. Although none of the formal, specific recommendations in the Working Group's report state this point clearly, we referenced the "lack of long-range strategic planning" as one of the problems that must be addressed by changes in the governance, management, and oversight structure of the AWW, and also reference "future strategic and management planning" of the AWW in Recommendation #2, "AWW mission." There was certainly a strong consensus among members of the Working Group that the strategic planning is essential for the long-term well being of the Waterway.

Let me now address those parts of the report about which I have reservations, and also those with which I strongly disagree.

A Board of Overseers/Trustees for the AWW

I do not agree with the Working Group's decision to drop our recommendation to create an independent board of overseers or trustees for the Allagash. After substantial discussion of this option, and prior to our November 28th public hearing, we unanimously agreed that such a board would strengthen the management structure. At the November 28th public hearing, there was divided opinion among those who spoke about this proposal. The language in our draft report states that it was dropped, not because it

lacked merit, but because it "failed to bring together parties who have contested recent management of the AWW." Our decisions should be guided by merit, not by the difficult politics related to management of the Waterway. I believe we should recommend to the Governor that an independent board of overseers or trustees needs to be created – if not at the present time, at some definite future point.

Creating a New "Mission" for the AWW

I understand the reasons why some members of our Working Group wanted to include a recommendation for a mission statement, but I cannot agree with this section of the report. First, the Governor did not ask us to revisit the fundamental mission of the Allagash Wilderness Waterway. By venturing beyond our charge and into the disputed territory about what the founders of the Waterway meant by the language in the original laws and guidelines, we would keep open and very much in focus disagreements about the fundamental importance of the AWW to the various constituencies that use it.

The proposed language fails to restate that the mission of the AWW was and remains to preserve, protect and develop the maximum wilderness character of the Waterway. The proposed language fails to acknowledge that the primary use of the AWW was and is to preserve and enhance the multi-day wilderness canoeing experience. The proposed language seeks to change the core purpose for which the Allagash Wilderness Waterway was created, a purpose well-defined in original statutory language and the State's application for designation of the Allagash as the nation's first state administered Wild and Scenic River. While preserving and interpreting human history along the Allagash River is an important management objective, it must be accomplished within the context of protecting the Waterway's wilderness character.

Should the Governor recommend changes to the management structure that include creation of the new superintendent's position and advisory council, these are the people who should undertake drafting a mission statement and a strategic plan; that was not the purpose of our Working Group. This recommendation, as crafted, is one that I cannot support. I propose deleting this section.

Description of Membership on the New Advisory Council

As noted above, I support the creation of a seven-member advisory council. However, the sentence, "At least one member shall reside within 100 miles of the Waterway" was inserted into language of the report after the closure of our last public meeting, and without discussion. There was considerable discussion about whether the member with "sustainable forest management" experience would need to represent a private landowner with property in or adjacent to the AWW, and I ultimately agreed (albeit with reservations) to that provision. That member might, or might not, reside within 100 miles of the Waterway, and there was no discussion about a geographic location of any other person, including the public member. This language should be deleted.

Expenditures from the AWW Endowment Fund

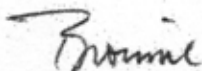
I believe that creation of a permanent endowment fund for the Allagash Wilderness Waterway is a very important endeavor. The Working Group noted that management costs of the AWW are significantly higher than those incurred at various units in the state park system, yet the Allagash must compete with those parks for its share of the DOC budget. An endowment would provide an ongoing stream of income that would help the department fully staff and better manage the resource. In addition, there are spectacular lands adjacent to the Waterway, such as Priestly Lake, acquisition of which would be gifts to future generations of those who cherish the wilderness character of the area.

Upon review of the language we approved at our last meeting, I would suggest reconsideration of the requirement that the AWW advisory council approve any expenditure from the endowment fund. The advisory council should "advise" the superintendent and the Director of BPL with respect to decisions about expenditures, but not have the authority to veto by withholding approval. Disbursement by public employees whose job it is to manage the Waterway, together with oversight by the commissioner, Governor, and Legislature should provide sufficient insurance that these funds will be appropriately invested.

Conclusion

I have enjoyed both the challenge and the opportunity to serve with you and other members of the Working Group to do the work assigned to us by Governor Baldacci last June. I trust that these comments will be helpful, and look forward to discussing them with you and fellow members of the Working Group.

Sincerely,



Everett B. Carson
Executive Director

Supreme Court of the United States
Washington 25, D. C.

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 8, 1960

Dear Governor:

May I write you confidentially for your
advice and help?

This last September I ran the Allagash. I finished the trip with a feeling of great concern that that fine wilderness river would soon be lost due to the encroachments of civilization. The roads are penetrating closer and closer, and in view of the nature of modern lumbering operations the roads that are built are easy invitation to all the jeeps and other cars that can travel dirt roads.

There is some concern in the minds of the people in northern Maine at the idea of the National Parks Service taking over the Allagash. The Park Service to them means roads and hotels. What the Allagash needs is not roads and hotels as I see it, but a corridor from one to three or four miles on each side of the river and lakes that make up the Allagash water, and the restoration of the natural flow of the Allagash. This means eliminating relics of the old dams there, sealing up the Telos cut, taking out the dam at Chamberlain Lake and giving America once more a great unrestricted river run which is, I think, incomparable in this country.

It seemed to me, just between us, that the ideal solution would be to make some arrangements to put the Allagash under the Baxter State Authority. I wonder if there are men in Maine of your proportions that have your vision and dimension of thought who would take steps to make that a reality?

I don't know all the landowners. I do know the pulp company and the paper company and the hydro-electric company are involved. There may be for the most part only three. Those three could do it in large part. If it could be done under conditions similar to those that cover your Baxter State Park, we would be assured of an enduring recreational area for those who love canoes and the feel of fast water under them.

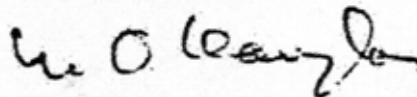
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It may be that some slight concessions would have to be made to allow motors to be used on canoes. It may be that in some stretches hunting for deer at least could be allowed.

But by and large I think that the framework of the Baxter State Park fits the Allagash perfectly.

This letter is for you and you alone. It is written out of concern that this great river may be lost by the encroachments of so-called "civilization."

Yours faithfully,



The Honorable Percival P. Baxter
Portland
Maine